

HOUSE BILL 3311  
By McAfee

AN ACT to amend Chapter 569 of the Private Acts of 1919, as amended by Chapter 126 of the Private Acts of 1990, Chapter 20 of the Private Acts of 1993, and all other acts amendatory thereto, relative to the Charter of the Town of Signal Mountain.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 569 of the Private Acts of 1919, as amended by Chapter 126 of the Private Acts of 1990, Chapter 20 of the Private Acts of 1993, and all acts amendatory thereto, is further amended by adding thereto at the end of Article VIII "Administration," the following new section:

Section 6. Board of Public Utilities.

The Council may, by resolution or ordinance, establish a Board of Public Utilities and transfer thereto the responsibility for the direction, control and supervision of any or all of the utilities operated by the Town, whether within or outside the Town limits, including, without limitation, waterworks, sewer and waste water, and any other utility service authorized for any municipality of the State of Tennessee or not prohibited by federal law. The Board of Public Utilities shall be composed of a number of members determined by Town Council by resolution or ordinance, for terms of office as established by resolution or ordinance, and shall operate under bylaws consistent with the Town's delegation resolution or ordinance and subject to approval by Town Council. Members of Town Council shall be eligible to serve as members of the Board of Public Utilities, and all members of the Board of Public Utilities shall be residents of the Town of

Signal Mountain, provided, however, that in the event the Board of Public Utilities should provide utility service to residents outside the Town limits, then under such circumstances non-residents of the Town (not exceeding fifty percent (50%) of the members of the Board of Public Utilities) may be eligible to serve as members of the Board of Public Utilities. In addition to the power and authority conferred upon the Board of Public Utilities by resolution or ordinance of the Town, the Board of Public Utilities shall, without limiting the Town's grant by resolution or ordinance, have:

(a) All power and authority granted municipalities under Title 7, Chapter 35, Tennessee Code Annotated, provided that the Board of Public Utilities created herein, rather than the board authorized under said Title and Chapter, shall exercise such power and authority;

(b) The power to provide utility services outside the Town limits, if any, at a rate differential, if any, to recover any additional costs incurred to serve non-residents of the Town; and

(c) The power to acquire and operate, either directly or by consolidation, a waterworks, waste water, or sewer system not owned or operated by the Town, whether owned or operated by a municipality, county, utility district, private company or any other person.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Town Council of Signal Mountain. Its approval or nonapproval shall be proclaimed by the presiding officer of the Town Council of Signal Mountain and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

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